



TCDLA Board of Directors Meeting Minutes

Saturday, June 15, 2013
Henry B. Gonzalez Convention Center
San Antonio, Texas

Introduction

Lydia Clay-Jackson, President calls the meeting to order at 11:20 am. A quorum was present. Lydia thanked the board for the honor to serve as president of TCDLA. Lydia also gave gratitude to the course directors, Betty Blackwell and Kerri Anderson-Donica and the associate course directors for making the 26th Annual Rusty Duncan such a success, the board gave applause. The past presidents were asked to stand and were recognized for their contribution as defenders for those accused and convicted.

Roll Call:

Officers

<u>P</u> Lydia Clay-Jackson, President	<u>P</u> Danny Easterling	<u>P</u> Charles Coby Waddill
<u>P</u> Bobby Mims, Pres-Elect	<u>A</u> Steven Gordon	<u>A</u> James Whalen
<u>P</u> Emmett Harris, 1st VP	<u>P</u> Deandra Grant	
<u>P</u> Sam Bassett, 2nd VP	<u>E</u> Michael Gross	Associate Directors
<u>P</u> John Convery, Treasurer	<u>P</u> Melissa Hannah	<u>P</u> Marjorie Bachman
<u>E</u> David Moore, Secretary	<u>P</u> Theodore Hargrove, III	<u>E</u> Sharon Curtis
<u>P</u> Greg Westfall, <i>Voice</i> Editor	<u>P</u> Jo Ann Jacinto	<u>P</u> Robert Fickman
	<u>P</u> Jeanette Kinard	<u>P</u> Donald Flanary, III
	<u>P</u> Adam Kobs	<u>E</u> Steve Keathley
	<u>P</u> Jani Woods	<u>P</u> Laurie Key
	<u>P</u> Patrick Metze	<u>P</u> Michael McCrum
	<u>P</u> David O'Neil	<u>P</u> Michael McDougal
	<u>P</u> Anthony Odiorne	<u>P</u> George Milner, III
	<u>P</u> Shawn Paschall	<u>P</u> Angela Moore
	<u>P</u> Stephanie Patten	<u>P</u> Oscar Pena
	<u>A</u> Bruce Ponder	<u>P</u> John Hunter Smith
	<u>P</u> Carole Powell	<u>E</u> Edward Stapleton, III
	<u>P</u> Bennie Ray	<u>A</u> John Stickels
	<u>P</u> Ray Rodriguez, Jr.	<u>P</u> Oscar Vega
	<u>P</u> Sarah Roland	
	<u>P</u> Clay Steadman	
	<u>P</u> George Taylor	
	<u>E</u> Gary Alan Udashen	
	<u>P</u> William Vitz	

Directors

<u>P</u> John Ackerman
<u>P</u> Susan Anderson
<u>P</u> Heather Barbieri
<u>A</u> Rick Berry
<u>P</u> Lawrence Boyd
<u>P</u> Fred C. Brigman, III
<u>P</u> F. Clinton Broden
<u>P</u> Jaime Carrillo
<u>P</u> Jason Cassel
<u>E</u> Harold Danford
<u>P</u> James Darnell
<u>E</u> Nicole DeBorde
<u>A</u> Emily Detoto Munoz

Key: P = Present; E = Excused Absence; A = Unexcused Absence

Past Presidents in Attendance: Betty Blackwell, Charles Butts, Mark Daniel, Tim Evans, Gerald Goldstein, Ron Goranson, Rick Hagen, William Harris, Robert Hinton, Scrappy Holmes, Dan Hurley, Craig Jett, Robert Lerma, Edward Mallett, E.G. Morris, Vincent Perini, Gary Trichter, Bill Wischkaemper

Staff: Joseph Martinez, Melissa Schank, Rick Wardroup, Mari Flores, Cindy Escobar, Joshua Teneyuca

MOTION: Minutes

Approve minutes from March 9, 2013, TCDLA Board Meeting in Dallas. Motion made by Mark Snodgrass, seconded by Sam Bassett – motion carries.

Recognition of Fallen Heroes and Heroines, *Lydia Clay-Jackson*

Recognition for Charlie Grant – Austin, Becky Pope – Houston and Steven Swander – Fort Worth. A moment of silence was given.

President State Bar of Texas, *Buck Files*

Buck gave an update on the SBOT and the history of last year's successes. Buck recognized Lisa Tatum, President-Elect of the State Bar as a member of TCDLA and Rusty Duncan attendee.

MOTION: By-Law Changes

Adopt proposed challenges as published to the general membership listed below. Motion made by Adam Kobs, seconded by Gary Trichter – 2 opposed - motion carries.

Article VI - MEETINGS

Sec. 3. - Special Board Meeting.

The Board of Directors shall hold such special meetings as may be called by the President or upon written request by at least eight (8) members of the Board of Directors. This shall include Internet Votes.

Sec. 6. Voting

- (a) The transaction of business at each quarterly meeting or special board meeting shall be by a majority of a quorum ~~vote~~ of the members of the Board of Directors ~~in good standing, including past presidents,~~ who are physically present and voting. A minimum of thirty-three Board of Director Members, including past presidents, physically present at the roll call of the meeting shall be required to reach a quorum. Once a quorum is reached, there is a deemed quorum until the meeting is adjourned.

(b) The transaction of business at each annual meeting shall be by a majority vote of the members in good standing who are present and voting, except as to the election of officers, directors, and associate directors which is governed by Article VIII.

Sec. 7. Commencement of Meetings

Each meeting shall be commenced by the president calling the meeting to order and immediately thereafter shall cause the roll to be called to determine whether there is a quorum present.

Sec. 8. Rules of Meetings

All Membership and Board of Directors meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise provided therein. All Executive Committee and other committee meetings may be conducted in accordance with Robert's Rules of Order, upon proper motion. Electronic voting via the Internet for the Board of Directors shall not be in accordance with Robert's Rules of Order, but shall be conducted as provided herein.

Article VII Board of Directors

Sec. 4 Procedures

The Board of Directors may act by telephone, by email, or any other method approved by the Executive Committee.

Sec. 5. Vacancies

A vacancy occurring on the Board of Directors caused by death, resignation or removal of the person elected or appointed thereto may be filled by appointment of any eligible member by the President, subject to the confirmation by the Board of Directors. Confirmation shall be secured at the option of the President either by a majority vote of the quorum of the directors or by a poll of the directors. The failure of any director to send in his or her vote within ten days after the date the poll is placed in the mail to him or her shall be counted as a vote for confirmation. Under this section the appointee's term ends at the adjournment at the annual meeting at which the term of the director or associate director replaced by death, resignation, or removal would end.

Sec. 6. Removal and absences

An elected officer or director may be removed for cause by a vote calling for such removal by a majority of all the Board of Directors present at such meeting, after notice and an opportunity to be heard. Removal may result from failure to attend two consecutive meetings of the Board of Directors without good cause. The Executive Director shall receive and approve written requests for excused absences for good cause.

Sec. 7. Qualifications

All Members of the Association who are authorized to vote are eligible to become members of the Board of Directors by election or appointment.

ARTICLE XII PROCEDURE FOR VOTING

a) All business transacted by the Executive Committee, the Board of Directors, and committees shall be by majority vote of the quorum present. A quorum for the transaction of business of each respective committee is a majority of the members. A quorum for the transaction of business of the Board of Directors is ~~ten (10)~~ thirty-three (33) members, including past presidents in good standing of the Board of Directors.

b) Internet Voting

1. If there is business that a majority of the Executive Committee deems necessary to determine before the next scheduled quarterly meeting, Special Board Meeting, or annual meeting, the matter can be determined by discussion and vote over the Internet.
2. A quorum for an Internet Vote shall be at least thirty-three (33) Board of Directors Members, including past presidents. All business transacted by the Internet voting shall be by a majority of the quorum voting.
3. The business matter under consideration shall be presented by the Executive Committee as an executive committee motion by email to the email address that each member of the Board of Directors has provided to the Association. A second to the motion shall not be necessary. No amendment of the executive committee motion is permitted.
4. There will be a period of discussion shall be no less than 3 full business days. A business day shall be considered 8 a.m. to 5 p.m. Central Time.
5. After the period of discussion a vote shall be held. The period of voting shall be determined by the Executive Committee, but shall be no less than twenty-four (24) hours beginning at 9:00 a.m. the first business day after the discussion period has ended. One Motion to Table is allowed, but must be made during the discussion period. If there is a Motion to Table and a second to the motion, which must be made during the discussion period then after the discussion period, there will be a voting period of not less than twenty-four (24) hours to vote on the Motion to Table beginning at 9 a.m. on the first business day after the discussion period has ended. If the Motion to Table passes by a majority of those voting on the Motion to Table, then the business matter subject to the vote will be placed on the agenda for the next regularly scheduled quarterly or annual meeting. If the Motion to Table does not pass, there will be an additional voting period of not less than twenty-four (24) hours beginning at 9 a.m. on the first business day after the vote on the motion to table expires to vote on the matter under consideration.

6. Members shall vote according to the instructions included in the email with the proposed business matter. Once a vote is cast, the vote cannot be changed. The votes shall be counted by the Executive Director and published to the Board of Directors by email and to the membership of the organization by the regular procedures for such business matters. There shall be no secret ballots. The Executive Director shall ensure that the ballot cast by each person is visible to the other voters as the ballots are cast.

7. At the next regularly scheduled quarterly or annual meeting, the Executive Committee Motion and resulting vote of any business conducted by Internet voting under this section will be included on the Agenda for the meeting and reported to the Board of Directors. At this time, a motion to reconsider the matter may be made by a member of the Board of Directors. A Motion to Reconsider shall require a majority of the quorum present at the beginning of the regularly called meeting to be approved. There shall be no discussion on the Motion to Reconsider. If the Motion to Reconsider is approved, the matter will be placed on the agenda under "Old Business." Discussion and voting will be as any other business item on the agenda.

ARTICLE XIII AMENDMENT

These Bylaws may be amended by majority vote of the members present and voting at any annual or special meeting of the membership.

ARTICLE XIV – ~~BYLAWS~~ DISSOLUTION

Executive Director's Report, *Joseph Martinez*

- Thanked the board, officers and President Lydia Clay-Jackson for the opportunity and year of service. Joseph recognized the staff present, Rick Wardroup, Mari Flores, Josh Teneyuca, Cindy Escobar and Melissa Schank. Joseph recognized the entire staff and his pleasure and satisfaction with driving to the home office each day. Applause was given to staff. Joseph thanked Lydia Clay-Jackson as an extraordinary president. First president to also serve as Dean of the Texas Criminal Trial College. A round of applause was given to Lydia.
- **Staff Anniversary:** Cristina Abascal 3 years, Tracy Casares 2 years

Capital Assistance Report, *Rick Wardroup*

- **Publication Report**
All publications are in the process of being updated. Rick thanked all the board members for coming forward and assisting with the updates and edits.
- **CCLI Training**
We are re-applying for grant and waiting to hear back from the Court.

Budget Committee Report, *John Convery* – John stated he was very proud to serve as the treasurer this year. John gave an update on the current financials. Projected 40-60k over budget on plus side. Very important issues will be focused on including the upcoming legislative effort. John thanked the executive and budget committee for the regular productive meetings. John

thanked and recognized staff for their work especially Mari Flores for keeping everyone informed.

Seminars Report, Lydia Clay-Jackson

TCDLA Stats for this fiscal year 2013: 9/1/12 to 5/15/13

- 9 seminars
- trained 983 at TCDLA seminars, cle: 89.5 including 2.5 ethics hours
- 19 course directors
- 92 speakers

CDLP Stats for this fiscal year 2013: 9/1/11 to 5/15/13

- 30 seminars
- trained 438 at CDLP seminars, cle: 215.25 including 33.25 ethics hours
- 48 course directors
- 318 speakers
- capital attorneys trained 197, cle: 58.75 including 12.75 ethics hours

Thanked speakers for writing papers and help defenders of the constitution. Very proud of the course directors that helped us this year and speakers for dedicating their time and having criminal defense attorneys back!

Members Trip, Bobby Mims

Bobby invited everyone to come out for a week in South Padre Island for the numerous events, enjoy some cle and fun in the sun. Events starting July 9 through July 14th.

New Business

MOTION: Williamson County Affiliate

A motion to accept Williamson County as an affiliate of TCDLA made by Vincent Perini, seconded by Gerry Goldstein – motion carries.

Thanked everyone for attending the Awards banquet. It was enjoyable to focus on the founding members and those who attended making TCDLA as strong as we are. Recognition was given to Hall of Fame recipients: George Luquette, David Evans, Roy Minton and Richard Anderson; Lawyer of the year recipients: Warren Wolf and Bud Ridenour; and Probono recipient Jani Jo Woods. Thank you to all for giving us the foundation for our organization. Thank you for all who attended including their families. Y'all do us proud!

Awards/Recognitions

Bobby Mims presented Lydia Clay-Jackson with a Presidential 7-day Carnival Cruise from the TCDLA Board in place of the canceled members trip in February. She was also presented with a Lady Liberty San Jacinto Flag and Lady Justice Old Bailey Statue from the TCDLA Officers.

MOTION to approve the 2013-2014 officers, new and reappointed Board Members.

Motion made by Coby Waddill seconded by Gerry Goldstein – motion carries.

Swearing in of President, Bobby Mims

A round of applause was given by the board! Lydia Clay-Jackson presented the reins of the organization to Bobby Mims.

Swearing in of Officers and Directors.

Applause and congratulations were given to all.

Award Presentation, Jason Cassell

Jason Cassell presented Dr. James Wood with the award from TCDLA for exemplary services during the series of cases known as the Mineola Swingers Cases.

Voice for the Defense Magazine, Bobby Mims

Bobby Mims thanked Greg Westfall for all his dedication to the Voice for the Defense Magazine. Greg Westfall thanked all those who helped make the magazine and the online vision possible and a success. Board gave applause for Greg Westfall for his for years of service.

MOTION: Voice for the Defense Magazine Editor and Assistant Editor

A motion was made to have Michael Gross as the editor and Grant Scheiner as assistant editor. Motion made by Bobby Mims, seconded by Danny Easterling – motion carries.

Comments by President, Bobby Mims

Bobby addressed the board of his upcoming year as president. Bobby urged each board member to get involved with TCDLA and your affiliate! Bobby stressed the urgency of more legislative effort and addressing future legislation. The association came together 100% and stood united and strong – we will continue this, we will ask for each one of you to help our lobbyist. Technology effort, listserv monitor, memo bank, indigent defense and many more.

Bobby gave gratitude and appreciation to family and his assistant.

Bobby pinned Lydia Clay-Jackson with past president ribbon.

MOTION to adjourn at 12:40 pm. Made by Bobby Mims – motion carries.

Respectfully submitted,
David Moore
TCDLA Secretary